

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSUE FIGUEROA,

Petitioner,

v.

MIKE WENEROWICZ et al,

Respondents.

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CIVIL ACTION

NO. 11-1292

ORDER

AND NOW, this ____ day of January, 2013, upon independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, **IT IS HEREBY ORDERED AND DECREED** that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**;
2. Petitioner's Petition for a Writ of Habeas Corpus is **DENIED**;
3. Petitioner's Petition for Appointment of Counsel (Doc. 20) is **DENIED**;
4. Petitioner's Motion to Expand the Record with Transcripts of Jury Selection (Doc. 17) is **DENIED**; and
5. There is no probable cause to issue a certificate of appealability.

IT IS FURTHER ORDERED that the Clerk of Court shall mark the above-captioned matter as **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.